

**EXAMINER'S AMENDMENT**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 7, 2010 has been entered.
2. Claims 1-15 were previously pending, with claims 1-5, 7, 8, 10 and 11 withdrawn from consideration. Applicants did not amend any claims.
3. Applicants' arguments combined with a review of sequence search were considered to be persuasive in overcoming the rejection of claims 6, 9 and 12-15 under 35 U.S.C. 101 and the rejection of claims 6, 9 and 12-15 under 35 U.S.C. 112, first paragraph, written description and enablement. Since no other rejections were presented previously, claims 6, 9 and 12-15 are allowable with respect to SEQ ID NO: 50, 72 and 84. Following interviews with Robert Bedgood, Applicants' representative, SEQ ID NO: 58, 80, 86, 60 and 64 were examined, and found to be free of prior art. In conclusion, claims 6, 9 and 12-15 are allowable with respect to SEQ ID NO: 50, 72, 84, 58, 80, 86, 60 and 64.
4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Bedgood on August 18, 2010.

The application has been amended as follows:

- Cancel claims 1-5, 7, 8, 10 and 11.
- In claim 6, line 2, delete ---38, 40, 42, 46, 48,--- after "NOs:".
- In claim 6, line 2, delete ---52, 54, 56,--- after "50,".
- In claim 6, line 3, delete ---38, 40, 42, 46, 48,--- after "NOs:".
- In claim 6, line 3, delete ---52, 54, 56,--- after "50,".
- In claim 6, line 4, delete ---62,--- after "NOs:".
- In claim 6, line 4, delete ---66, 68, 70,--- after "64,".
- In claim 6, line 4, delete ---74, 76, 78,--- after "72,".
- In claim 6, line 5, delete ---62,--- after "NOs:".
- In claim 6, line 5, delete ---66, 68, 70,--- after "64,".
- In claim 6, line 5, delete ---74, 76, 78,--- after "72,".
- In claim 6, line 6, delete ---82,--- after "NOs:".
- In claim 6, line 7, delete ---82,--- after "NOs:".
- In claim 9, line 3, delete ---38, 40, 42, 46, 48,--- after "NOs:".
- In claim 9, line 3, delete ---52, 54, 56,--- after "50,".
- In claim 9, line 4, delete ---38, 40, 42, 46, 48,--- after "NOs:".
- In claim 9, line 4, delete ---52, 54, 56,--- after "50,".
- In claim 9, line 5, delete ---62,--- after "NOs:".
- In claim 9, line 5, delete ---66, 68, 70,--- after "64,".

- In claim 9, line 5, delete ---74, 76, 78,--- after "72,".
- In claim 9, line 6, delete ---62,--- after "NOs:".
- In claim 9, line 6, delete ---66, 68, 70,--- after "64,".
- In claim 9, line 6, delete ---74, 76, 78,--- after "72,".
- In claim 13, line 2, delete ---38, 40, 42, 46, 48,--- after "NOs:".
- In claim 13, line 2, delete ---52, 54, 56,--- after "50,".
- In claim 13, line 2, delete ---62,--- after "60,".
- In claim 13, line 3, delete ---66, 68, 70,--- after "64,".
- In claim 13, line 3, delete ---74, 76, 78,--- after "72,".
- In claim 13, line 3, delete ---82,--- after "80,".
- In claim 14, line 2, delete ---38, 40, 42, 46, 48,--- after "NOs:".
- In claim 14, line 2, delete ---52, 54, 56,--- after "50,".
- In claim 14, line 2, delete ---62,--- after "60,".
- In claim 14, line 2-3, delete ---66, 68, 70,--- after "64,".
- In claim 14, line 3, delete ---74, 76, 78,--- after "72,".
- In claim 14, line 3, delete ---82,--- after "80,".
- In claim 15, line 2, delete ---82,--- after "NOs:".
- In claim 15, line 3, delete ---82,--- after "NOs:".

***Reasons for Allowance***

5. The following is an examiner's statement of reasons for allowance: No references were found teaching or suggesting proteins comprising SEQ ID NO: 50, 72, 84, 58, 80, 86, 60 and 64 or proteins with 90% or more or 95% or more sequence identity to these proteins.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Information Disclosure Statement***

6. The information disclosure statement (IDS) submitted on March 24, 2010 was filed after the mailing date of the final office action on January 11, 2010. The submission is in compliance with the provisions of 37 CFR 1.97 with the exception of reference WR, which does not contain a date of publication. Accordingly, the information disclosure statement is being considered by the examiner with the exception of reference WR.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TERESA E. STRZELECKA whose telephone number is (571)272-0789. The examiner can normally be reached on M-F (8:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion can be reached on (571) 272-0782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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